UNITED STATES PATENT AND TRADEMARK OFFICE

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10/015,566	12/17/2001	Kazuhiro Hayashi	Q67757	6232

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EXAMINER
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2164	

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14-April-2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 24-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21 and 24-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 20050615

DETAILED ACTION

Remarks

1.   In response to communications filed on April 15, 2005, claims 22 and 23 are

cancelled; claims 24-27 are amended, and new claims 30-35 are added per applicant's

request. Therefore, claims 1-21 and 24-35 are presently pending in the application.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 30 and 33 and rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. Claims 30 and 33 disclose a "reset

command", which is not describe in the Specification of the application.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Fukuda</u>

(U.S. Patent No. 6,469,239), in view of <u>Ginter et al.</u> (U.S. Patent No. 6,640,304).

As to claim 28, <u>Fukuda</u> teaches an information exchange system, comprising: a

server (See abstract), which comprises:

at least one memory that stores first information pieces (See *), second

information pieces that respectively indicate a number of times that the first information

pieces have been output to a terminal (See column 22, lines 66-67; column 23, lines 1-

5, where "copied" is read on "number of output times" and "limit" is read on "threshold"),

and

a control circuit that outputs the batch information to the terminal and that

receives selection information, wherein the control circuit outputs selected first

information pieces to the terminal based on the selection information (See column 7,

lines 53-62; column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on

"number of output times" and "limit" is read on "threshold").

<u>Fukuda</u> does not teach batch information that identifies all of the first information

pieces stored in the at least one memory;

<u>Ginter et al.</u> teaches systems and methods for secure transaction management

and electronic rights protection (See abstract), in which he teaches batch information

that identifies all of the first information pieces stored in the at least one memory (See

column 285, lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified <u>Fukuda</u> as modified, to include batch information that identifies all of the first information pieces stored in the at least one memory.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Fukuda</u> as modified, by the teachings of <u>Ginter et al.</u> because batch information that identifies all of the first information pieces stored in the at least one memory would help to ensure that information is accessed and/or otherwise used only in authorized ways, and maintains the integrity, availability, and/or confidentiality of such information and processes related to such use (See <u>Ginter et al.</u> column 1, lines 20-26).

6.   Claims 1, 3, 5, 11 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Fukuda</u> (U.S. Patent No. 6,469,239), in view of <u>Doi et al.</u> (U.S. Patent No. 5,887,130), in further view of <u>Ginter et al.</u> (U.S. Patent No. 6,640,304).

As to claim 1, <u>Fukuda</u> teaches a server (See column 3, lines 46-47) comprising:

a storage section for storing a plurality of first information pieces (See column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first information pieces");

.a corresponding information storage section for storing a plurality of second information pieces in one-to-one correspondence with the plurality of the first information pieces (See column 24, lines 51-57);

a program information section that stores program information pieces that indicates the first information pieces that are programmed to be transferred to the terminal (See column 7, lines 53-62);

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5),

wherein when the outputted second information piece is returned from the terminal, on a basis of the returned second information pieces, the prohibition section prohibits the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal;

a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section; and

an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

Doi et al. teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in

which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11) and; an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al. because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management

and electronic rights protection (See abstract), in which he teaches a batch information

section that stores batch information that identifies the first information pieces and

attributes for the first information pieces stored in the storage section (See column 285,

lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda as modified, to include a

batch information section that stores batch information that identifies the first information

pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda as modified, by the teachings of

Ginter et al. because a batch information section that stores batch information that

identifies the first information pieces and attributes for the first information pieces stored

in the storage section would help to ensure that information is accessed and/or

otherwise used only in authorized ways, and maintains the integrity, availability, and/or

confidentiality of such information and processes related to such use (See Ginter et al.

column 1, lines 20-26).

As to claim 3, Fukuda as modified, teaches further comprising a initialization

section for initializing the second information piece corresponding to the first information

piece prohibited from being output to the terminal (See Fukuda, column 22, lines 66-67;

column 23, lines 1-5).

As to claim 5, Fukuda as modified, teaches wherein the first information pieces

are a plurality of pieces of music (See Fukuda, column 23, lines 66-67).

As to claim 11, Fukuda teaches an information record medium recording a sever

program for causing a server computer contained in a server to function as (See column

1, lines 57-60):

a storage section for storing a plurality of first information pieces (See column 2,

lines 11-12. It is inherent that "at least one " signifies a "plurality of first information

pieces");

a corresponding information storage section for storing a plurality of second

information pieces in one-to-one correspondence with the plurality of the first

information pieces (See column 24, lines 51-57);

a program information section that stores program information pieces that

indicates the first information pieces that are programmed to be transferred to the

terminal (See column 7, lines 53-62); and

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5),

wherein when the outputted second information piece is returned from the

terminal, on a basis of the returned second information pieces, the prohibition section

prohibits the first information pieces corresponding to the second information piece of

which the number of output times becomes a preset threshold value or more from being

outputted to the terminal in later output after the output to the terminal wherein the

number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section; the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

Doi et al. teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11) and;

and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information

pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al. because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted would enable the copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management and electronic rights protection (See abstract), in which he teaches a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section (See column 285, lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Ginter et al. because a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section would help to ensure that information is accessed and/or otherwise used only in authorized ways, and maintains the integrity, availability, and/or confidentiality of such information and processes related to such use (See Ginter et al. column 1, lines 20-26).

As to claim 31, Fukuda as modified, teaches wherein the second information piece is initialized by the initialization section when other first information pieces have been transferred to the terminal a predefined number of times while the particular first information piece is prohibited from being transferred (See Fukuda, column 22, lines 66-67; column 23, lines 1-5; column 18, lines 21-26; column 22, lines 45-67; column 23, lines 1-18).

As to claim 32, Fukuda as modified, teaches wherein the second information piece is initialized by the initialization section when a predefined period of time has elapsed since the particular first information piece was prohibited from being transferred (See Fukuda, column 22, lines 66-67; column 23, lines 1-5; column 18, lines 21-26; column 22, lines 45-67; column 23, lines 1-18).

7.   Claims 2, 4, 6-10, 12-21, 29 and 34-35 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Fukuda (U.S. Patent No. 6,469,239), in view of Doi et al. (U.S.

Patent No. 5,887,130) as applied to claims 1, 3, 5 and 11 above, and in further view of

Ginter et al. (U.S. Patent No. 6,640,304), further in view of Kawashima et al. (U.S.

Patent No. 5,542,072).

As to claim 2, Fukuda teaches a server (See column 3, lines 46-47) comprising:

a storage section for storing a plurality of first information pieces (See column 2,

lines 11-12. It is inherent that "at least one " signifies a "plurality of first information

pieces");

a corresponding information storage section for storing a plurality of second

information pieces in one-to-one correspondence with the plurality of the first

information pieces (See column 24, lines 51-57);

a program information section that stores program information pieces that

indicates the first information pieces that are programmed to be transferred to the

terminal (See column 7, lines 53-62);

a prohibition section for prohibiting the first information pieces corresponding to

the second information piece of which the number of output times becomes a preset

threshold value from being outputted to the terminal in later output after the output to the

terminal wherein the number of output times becomes equal to the threshold value (See

column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of

output times" and "limit" is read on "threshold").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section; an output section for outputting the first information pieces to be outputted to a terminal; and an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

Doi et al. teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11); and an output section for outputting the first information pieces to be outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al. because the second information pieces indicating number of output times the first information

pieces has been outputted to a terminal; and an output section for outputting the first

information pieces to be outputted to a terminal would enable the copyright holder (or

the set threshold) of the data to impose limitations on the number of copyable times of

the data (See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach a batch information section that stores

batch information that identifies the first information pieces and attributes for the first

information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management

and electronic rights protection (See abstract), in which he teaches a batch information

section that stores batch information that identifies the first information pieces and

attributes for the first information pieces stored in the storage section (See column 285,

lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda as modified, to include a

batch information section that stores batch information that identifies the first information

pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda as modified, by the teachings of

Ginter et al. because a batch information section that stores batch information that

identifies the first information pieces and attributes for the first information pieces stored

in the storage section would help to ensure that information is accessed and/or

otherwise used only in authorized ways, and maintains the integrity, availability, and/or

confidentiality of such information and processes related to such use (See Ginter et al. column 1, lines 20-26).

Fukuda as modified, still does not teach an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal (See column 5, lines 57-65; column16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Kawashima et al. because an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal would assign the highest priority level, a cumulative value of the number of

requests for the information source requested by the user therefore showing how many

times each information piece has been accessed by the user (See Kawashima et al.,

column 5, lines 43-65).

As to claim 4, Fukuda as modified, teaches further comprising a initialization

section for initializing the second information piece corresponding to the first information

piece prohibited from being output to the terminal (See Fukuda, column 22, lines 66-67;

column 23, lines 1-5; also see Kawashima et al., column 16, lines 12-17, where

"fetches" is read on initializing". And Column 18, lines 50-65).

As to claim 6, Fukuda as modified, teaches wherein the first information pieces

are a plurality of pieces of music (See Fukuda, column 23, lines 66-67).

As to claim 7, Fukuda teaches a terminal (See column 23, line 34) comprising:

a storage section for storing a plurality of first information pieces (See column 2,

lines 11-12. It is inherent that "at least one " signifies a "plurality of first information

pieces");

an acquisition section for acquiring a plurality of second information pieces in

one-to-one correspondence with the plurality of the first information pieces together with

the first information pieces corresponding to the second information pieces (See column

24, lines 51-57);

a program information section that stores program information pieces that

indicates the first information pieces that are programmed to be transferred to the

terminal (See column 7, lines 53-62); and

a utilization section for utilizing the acquired first information pieces (See Column

2, lines 13-16, where "read out" is read upon "utilizing").

Fukuda does not teach the second information pieces indicating number of

output times the first information pieces has been outputted to a terminal.

Doi et al. teaches a information processing apparatus, information processing

method, data recording medium, and information processing system (See Abstract), in

which he teaches the second information pieces indicating number of output times the

first information pieces has been outputted to a terminal (See column 14, lines 53-67;

column 15, lines 1-11).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda, to include the second

information pieces indicating number of output times the first information pieces has

been outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda, by the teachings of Doi et al. because

the second information pieces indicating number of output times the first information

pieces has been outputted to a terminal would enable the copyright holder (or the set

threshold) of the data to impose limitations on the number of copyable times of the data

(See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces, the batch information, and the program information pieces to the server.

Fukuda as modified, still does not teach a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management and electronic rights protection (See abstract), in which he teaches a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section (See column 285, lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Ginter et al. because a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section would help to ensure that information is accessed and/or otherwise used only in authorized ways, and maintains the integrity, availability, and/or

confidentiality of such information and processes related to such use (See <u>Ginter et al.</u> column 1, lines 20-26).

<u>Kawashima et al.</u> teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the second information pieces corresponding to the acquired first information pieces (See column 5, lines 57-65; column16, lines 12-20); and

a return section for returning the incremented second information pieces, the batch information, and the program information pieces to the server (See column 16, lines 12-20; also see <u>Doi et al.</u> ,column 14, lines 53-67; column 15, lines 1-11).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified <u>Fukuda</u> as modified, to include an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces, the batch information, and the program information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified <u>Fukuda</u> as modified, by the teachings of <u>Kawashima et al.</u> because an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces, the batch information, and the program information pieces to the server would assign the highest priority level, a cumulative value of the number of requests for the information source requested by

the user therefore showing how many times each information piece has been accessed

by the user (See Kawashima et al., column 5, lines 43-65).

As to claim 8, Fukuda as modified, teaches wherein them plurality of first

information pieces are a plurality of pieces of music (See Fukuda, column 23, lines 66-

67).

As to claim 9, Fukuda teaches an information processing system (See column

25, line 9) comprising:

a server (See column 3, lines 46-47); and

a terminal connected to the server via a network (See column 4, lines 51-60),

wherein the server comprises:

a first storage section for storing a plurality of first information pieces (See

column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first

information pieces");

a corresponding information storage section for storing a plurality of second

information pieces in one-to-one correspondence with the plurality of the first

information pieces (See column 24, lines 51-57);

a program information section that stores program information pieces that

indicates the first information pieces that are programmed to be transferred to the

terminal (See column 7, lines 53-62);

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5),

the terminal (See column 23, line 34) comprises:

a second storage section for storing the plurality of first information pieces (See column 24, lines 51-57);

an acquisition section for acquiring the plurality of second information pieces together with the first information pieces corresponding to the second information pieces (See column 24, lines 51-57);

a utilization section for utilizing the acquired first information pieces (See Column 2, lines 13-16, where "read out" is read upon "utilizing"); and

wherein when the outputted second information piece is returned from the terminal, on a basis of the returned second information pieces, the prohibition section of the server prohibits the first information pieces corresponding to the second information piece of which the number of output times becomes a preset threshold value or more from being outputted to the terminal in later output after the output to the terminal wherein the number of output times becomes equal to the threshold value (See column 22, lines 66-67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach, the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted; and an increment section for incrementing the second information pieces

corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Doi et al. teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11); and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al. because the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal together with the second information pieces corresponding to the first information pieces to be outputted would enable the

copyright holder (or the set threshold) of the data to impose limitations on the number of copyable times of the data (See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management and electronic rights protection (See abstract), in which he teaches a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section (See column 285, lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Ginter et al. because a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section would help to ensure that information is accessed and/or otherwise used only in authorized ways, and maintains the integrity, availability, and/or confidentiality of such information and processes related to such use (See Ginter et al. column 1, lines 20-26).

Fukuda as modified, still does not teach an increment section for incrementing

the second information pieces corresponding to the acquired first information pieces;

and a return section for returning the incremented second information pieces to the

server.

Kawashima et al. teaches a database system and method for accessing the

same, (See Abstract), in which he teaches an increment section for incrementing the

second information pieces corresponding to the acquired first information pieces (See

column 5, lines 57-65; column16, lines 12-20); and

a return section for returning the incremented second information pieces to the

server (See column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda as modified, to include

an increment section for incrementing the second information pieces corresponding to

the acquired first information pieces; and a return section for returning the incremented

second information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda as modified, by the teachings of

Kawashima et al. because an increment section for incrementing the second

information pieces corresponding to the acquired first information pieces; and a return

section for returning the incremented second information pieces to the server would

assign the highest priority level, a cumulative value of the number of requests for the

information source requested by the user therefore showing how many times each

information piece has been accessed by the user (See <u>Kawashima et al.</u>, column 5,

lines 43-65).

As to claim 10, <u>Fukuda</u> teaches an information processing system (See column

25, line 9) comprising:

a server (See column 3, lines 46-47); and

a terminal connected to the server via a network (See column 4, lines 51-60),

wherein the server comprises:

a first storage section for storing a plurality of first information pieces (See

column 2, lines 11-12. It is inherent that "at least one " signifies a "plurality of first

information pieces");

a corresponding information storage section for storing a plurality of second

information pieces in one-to-one correspondence with the plurality of the first

information pieces (See column 24, lines 51-57);

a program information section that stores program information pieces that

indicates the first information pieces that are programmed to be transferred to the

terminal (See column 7, lines 53-62); and

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5), for

prohibiting the first information pieces corresponding to the second information piece of

which the number of output times becomes a preset threshold value or more from being

outputted to the terminal in later output after the output to the terminal wherein the

number of output times becomes equal to the threshold value (See column 22, lines 66-

67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit"

is read on "threshold") and

the terminal (See column 23, line 34) comprises:

a second storage section for storing the plurality of first information pieces (See

column 24, lines 51-57);

an acquisition section for acquiring the plurality of second information pieces

together with the first information pieces corresponding to the second information pieces

(See column 24, lines 51-57);

a utilization section for utilizing the acquired first information pieces (See Column

2, lines 13-16, where "read out" is read upon "utilizing").

Fukuda does not teach the second information pieces indicating number of

output times the first information pieces has been outputted to a terminal; an output

section for outputting the first information pieces to be outputted to a terminal; an

increment section for incrementing the number of output times of the second information

piece corresponding to the first information piece outputted to the terminal each time

when the first information piece is outputted to the terminal; an increment section for

incrementing the second information pieces corresponding to the acquired first

information pieces; and a return section for returning the incremented second

information pieces to the server.

Doi et al. teaches a information processing apparatus, information processing

method, data recording medium, and information processing system (See Abstract), in

which he the second information pieces indicating number of output times the first

information pieces has been outputted to a terminal (See column 14, lines 53-67;

column 15, lines 1-11); and

an output section for outputting the first information pieces to be outputted to a

terminal (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda, to include the second

information pieces indicating number of output times the first information pieces has

been outputted to a terminal; an output section for outputting the first information pieces

to be outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda, by the teachings of Doi et al. because

the second information pieces indicating number of output times the first information

pieces has been outputted to a terminal; an output section for outputting the first

information pieces to be outputted to a terminal would enable the copyright holder (or

the set threshold) of the data to impose limitations on the number of copyable times of

the data (See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach a batch information section that stores

batch information that identifies the first information pieces and attributes for the first

information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management

and electronic rights protection (See abstract), in which he teaches a batch information

section that stores batch information that identifies the first information pieces and

attributes for the first information pieces stored in the storage section (See column 285, lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda as modified, to include a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda as modified, by the teachings of Ginter et al. because a batch information section that stores batch information that identifies the first information pieces and attributes for the first information pieces stored in the storage section would help to ensure that information is accessed and/or otherwise used only in authorized ways, and maintains the integrity, availability, and/or confidentiality of such information and processes related to such use (See Ginter et al. column 1, lines 20-26).

Fukuda as modified, still does not teach an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal; and an increment section for incrementing the second information pieces corresponding to the acquired first information pieces; and a return section for returning the incremented second information pieces to the server.

Kawashima et al. teaches a database system and method for accessing the same, (See Abstract), in which he teaches an increment section for incrementing the

number of output times of the second information piece corresponding to the first

information piece outputted to the terminal each time when the first information piece is

outputted to the terminal (See column 5, lines 57-65; column16, lines 12-20);

an increment section for incrementing the second information pieces

corresponding to the acquired first information pieces(See column 16, lines 12-20); and

a return section for returning the incremented second information pieces to the

server (See column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda as modified, to include

an increment section for incrementing the number of output times of the second

information piece corresponding to the first information piece outputted to the terminal

each time when the first information piece is outputted to the terminal; an increment

section for incrementing the second information pieces corresponding to the acquired

first information pieces; and a return section for returning the incremented second

information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda as modified, by the teachings of

Kawashima et al. because an increment section for incrementing the number of output

times of the second information piece corresponding to the first information piece

outputted to the terminal each time when the first information piece is outputted to the

terminal; an increment section for incrementing the second information pieces

corresponding to the acquired first information pieces; a return section for returning the

incremented second information pieces to the server would assign the highest priority

level, a cumulative value of the number of requests for the information source requested

by the user therefore showing how many times each information piece has been

accessed by the user (See Kawashima et al., column 5, lines 43-65).

As to claim 12, Fukuda teaches an information record medium recording a sever

program for causing a server computer contained in a server to function as (See column

1, lines 57-60):

a storage section for storing a plurality of first information pieces (See column 2,

lines 11-12. It is inherent that "at least one " signifies a "plurality of first information

pieces");

a corresponding information storage section for storing a plurality of second

information pieces in one-to-one correspondence with the plurality of the first

information pieces (See column 24, lines 51-57);

a program information section that stores program information pieces that

indicates the first information pieces that are programmed to be transferred to the

terminal (See column 7, lines 53-62);

a prohibition section (See column 22, lines 66-67; column 23, lines 1-5),for

prohibiting the first information pieces corresponding to the second information piece of

which the number of output times becomes a preset threshold value or more from being

outputted to the terminal in later output after the output to the terminal wherein the

number of output times becomes equal to the threshold value (See column 22, lines 66-

67; column 23, lines 1-5, where "copied" is read on "number of output times" and "limit" is read on "threshold").

Fukuda does not teach the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; an output section for outputting the first information pieces to be outputted to a terminal; and an increment section for incrementing the number of output times of the second information piece corresponding to the first information piece outputted to the terminal each time when the first information piece is outputted to the terminal.

Doi et al. teaches a information processing apparatus, information processing method, data recording medium, and information processing system (See Abstract), in which he teaches, the second information pieces indicating number of output times the first information pieces has been outputted to a terminal (See column 14, lines 53-67; column 15, lines 1-11); and

an output section for outputting the first information pieces to be outputted to a terminal (See Abstract; column1, lines 38-39).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have modified Fukuda, to include the second information pieces indicating number of output times the first information pieces has been outputted to a terminal; and an output section for outputting the first information pieces to be outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Fukuda, by the teachings of Doi et al. because

the second information pieces indicating number of output times the first information

pieces has been outputted to a terminal; and an output section for outputting the first

information pieces to be outputted to a terminal would enable the copyright holder (or

the set threshold) of the data to impose limitations on the number of copyable times of

the data (See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach a batch information section that stores

batch information that identifies the first information pieces and attributes for the first

information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management

and electronic rights protection (See abstract), in which he teaches a batch information

section that stores batch information that identifies the first information pieces and

attributes for the first information pieces stored in the storage section (See column 285,

lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda as modified, to include a

batch information section that stores batch information that identifies the first information

pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda as modified, by the teachings of

Ginter et al. because a batch information section that stores batch information that

identifies the first information pieces and attributes for the first information pieces stored

in the storage section would help to ensure that information is accessed and/or

otherwise used only in authorized ways, and maintains the integrity, availability, and/or

confidentiality of such information and processes related to such use (See <u>Ginter et al.</u>

column 1, lines 20-26).

<u>Fukuda</u> as modified, still does not teach an increment section for incrementing

the number of output times of the second information piece corresponding to the first

information piece outputted to the terminal each time when the first information piece is

outputted to the terminal.

<u>Kawashima et al.</u> teaches a database system and method for accessing the

same, (See Abstract), in which he teaches an increment section for incrementing the

number of output times of the second information piece corresponding to the first

information piece outputted to the terminal each time when the first information piece is

outputted to the terminal (See column 5, lines 57-65; column16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified <u>Fukuda</u> as modified, to include

an increment section for incrementing the number of output times of the second

information piece corresponding to the first information piece outputted to the terminal

each time when the first information piece is outputted to the terminal.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified <u>Fukuda</u> as modified, by the teachings of

<u>Kawashima et al.</u> because an increment section for incrementing the number of output

times of the second information piece corresponding to the first information piece

outputted to the terminal each time when the first information piece is outputted to the

terminal would assign the highest priority level, a cumulative value of the number of

requests for the information source requested by the user therefore showing how many

times each information piece has been accessed by the user (See Kawashima et al.,

column 5, lines 43-65).

        As to claim 13, Fukuda teaches an information record medium recording a

terminal program for causing a terminal computer contained in a terminal to function as

(See column 1, lines 57-60):

        a storage section for storing a plurality of first information pieces (See column 2,

lines 11-12. It is inherent that "at least one " signifies a "plurality of first information

pieces");

        an acquisition section for acquiring a plurality of second information pieces in

one-to-one correspondence with the plurality of the first information pieces together with

the first information pieces corresponding to the second information pieces (See column

24, lines 51-57);

        a program information section that stores program information pieces that

indicates the first information pieces that are programmed to be transferred to the

terminal (See column 7, lines 53-62); and

        a utilization section for utilizing the acquired first information pieces (See Column

2, lines 13-16, where "read out" is read upon "utilizing").

        Fukuda does not teach the second information pieces indicating number of

output times the first information pieces has been outputted to a terminal; an increment

section for incrementing the second information pieces corresponding to the acquired

first information pieces; and a return section for returning the incremented second

information pieces to the server.

Doi et al. teaches a information processing apparatus, information processing

method, data recording medium, and information processing system (See Abstract), in

which he teaches the second information pieces indicating number of output times the

first information pieces has been outputted to a terminal (See column 14, lines 53-67;

column 15, lines 1-11).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda, to include the second

information pieces indicating number of output times the first information pieces has

been outputted to a terminal.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda, by the teachings of Doi et al. because

the second information pieces indicating number of output times the first information

pieces has been outputted to a terminal would enable the copyright holder (or the set

threshold) of the data to impose limitations on the number of copyable times of the data

(See Doi et al., column 15, lines 7-9).

Fukuda as modified, still does not teach a batch information section that stores

batch information that identifies the first information pieces and attributes for the first

information pieces stored in the storage section.

Ginter et al. teaches systems and methods for secure transaction management

and electronic rights protection (See abstract), in which he teaches a batch information

section that stores batch information that identifies the first information pieces and

attributes for the first information pieces stored in the storage section (See column 285,

lines 1-9; column 289, lines 58-67; column 290, lines 1-2).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda as modified, to include a

batch information section that stores batch information that identifies the first information

pieces and attributes for the first information pieces stored in the storage section.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda as modified, by the teachings of

Ginter et al. because a batch information section that stores batch information that

identifies the first information pieces and attributes for the first information pieces stored

in the storage section would help to ensure that information is accessed and/or

otherwise used only in authorized ways, and maintains the integrity, availability, and/or

confidentiality of such information and processes related to such use (See Ginter et al.

column 1, lines 20-26).

Fukuda as modified, still does not teach an increment section for incrementing

the second information pieces corresponding to the acquired first information pieces;

and a return section for returning the incremented second information pieces to the

server.

Kawashima et al. teaches a database system and method for accessing the

same, (See Abstract), in which he teaches an increment section for incrementing the

second information pieces corresponding to the acquired first information pieces (See

column 5, lines 57-65; column16, lines 12-20); and

a return section for returning the incremented second information pieces to the

server (See column 16, lines 12-20).

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time of the invention was made to have modified Fukuda as modified, to include

an increment section for incrementing the second information pieces corresponding to

the acquired first information pieces; and a return section for returning the incremented

second information pieces to the server.

It would have been obvious to a person having ordinary skill in the art at the time

the invention was made to have modified Fukuda as modified, by the teachings of

Kawashima et al. because an increment section for incrementing the second

information pieces corresponding to the acquired first information pieces; and a return

section for returning the incremented second information pieces to the server would

assign the highest priority level, a cumulative value of the number of requests for the

information source requested by the user therefore showing how many times each

information piece has been accessed by the user (See Kawashima et al., column 5,

lines 43-65).

As to claims 14, 16, 18 and 20 <u>Fukuda</u> as modified, teaches wherein the program

information pieces are received from the terminal (See <u>Fukuda,</u> column 9, lines 7-

13,lines 66-67; column 10, lines 1-15).

As to claims 15, 17, 19, 21 and 29 <u>Fukuda</u> as modified, teaches wherein the

batch information is output to the terminal,

wherein a user of the terminal identifies the first information pieces contained in

the storage section and selects the first information pieces to be transferred from the

server to the terminal based on the batch information (See <u>Ginter et al.,</u> column 285,

lines 1-9; column 289, lines 58-67; column 290, lines 1-2), and

wherein the terminal outputs the program information pieces to the server based

on the selected first information pieces (See <u>Doi et al.,</u> column 14, lines 53-67; column

15, lines 1-11).

As to claim 34 <u>Fukuda</u> as modified, teaches wherein the second information

piece is initialized by the initialization section when other first information pieces have

been transferred to the terminal a predefined number of times while the particular first

information piece is prohibited from being transferred (See <u>Fukuda,</u> column 22, lines 66-

67; column 23, lines 1-5; column 18, lines 21-26; column 22, lines 45-67; column 23,

lines 1-18).

As to claim 35 <u>Fukuda</u> as modified, teaches wherein the second information

piece is initialized by the initialization section when a predefined period of time has

elapsed since the particular first information piece was prohibited from being transferred

(See <u>Fukuda,</u> column 22, lines 66-67; column 23, lines 1-5; column 18, lines 21-26;

column 22, lines 45-67; column 23, lines 1-18).

Response to Arguments

8.   Applicant's arguments in Response to the Office Action mailed April 15, 2005, for

the application filed 17-December-2001, with respect to the rejections under 35 U.S.C.

112, second paragraph have been fully considered and are persuasive.

9.   Applicant's arguments filed on April 15, 2005, for the application filed 17-

December-2001, with respect to the rejected claims in view of the cited references have

been considered but are moot in view of applicant's amended claims necessitate new

ground(s) of rejection.

10.   Applicant's arguments filed on April 15, 2005, with respect to the rejected claims

1-29 have been fully considered but they are not found to be persuasive:

In response to applicants' arguments regarding <u>Ginter</u> failing " to teach or

suggest 'a batch information section that stores batch information that identifies the first

information pieces and attributes of the first information pieces stored in the storage

section,' (claims 1, 2, 7, 9, 10, 11, 12, 13) or 'batch information that identifies all of the

first information pieces stored in the at least one memory' (claim 28) ",the argument has

been fully considered but is not found to be persuasive, because <u>Ginter</u> discloses

transmitting batch information to the repository (See column 289, lines 64-67). A

repository is a storage unit and therefore if information is transmitted to a repository it

means the information is being transferred to a storage unit where it is stored.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mellissa M. Chojnacki whose telephone number is (571)

272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 15, 2005
mmc

SAM RIMELL
PRIMARY EXAMINER